

Notice of Allowability

Application No.

09/926,674

Applicant(s)

ISHII ET AL.

Examiner

Art Unit

Sandra M. Nolan

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response dated 11 January 2005.
2. ☒ The allowed claim(s) is/are 3, 4 and 7-18.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2-28-02+1-14-03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20050114.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

S. M. Nolan-Rayford
SANDRA M. NOLAN - RAYFORD
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Stefan Koschmieder (703/413.3000) on 14 January 2005.
3. The application has been amended as follows:

In the Claims

Claim 3, line 1, the entire line has been deleted and replaced with the following:

-- A heat-sealing film which --

Claim 3, line 7, immediately after "different", the following has been entered:

-- and wherein the sealant layer is made of a resin composition comprising from 50 to 100 wt% of the total of the following components (i) to (iv):

(i) from 5 to 50 wt% of a block copolymer of from 50 to 95 wt% of a styrene-type hydrocarbon and from 5 to 50 wt% of a conjugated diene-type hydrocarbon,

(ii) from 5 to 50 wt% of an ethylene/ α -olefin random copolymer,

(iii) from 5 to 70 wt% of a block copolymer of from 10 to 50 wt% of a styrene-type hydrocarbon and from 50 to 90 wt% of a conjugated diene-type hydrocarbon, and

(iv) from 0 to 50 wt% of an impact-resistant polystyrene. --

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Remarks

Claim 3 has been amended to make it independent and to add the limitations of cancelled claim 1.

* * *

Withdrawal of Rejection

4. The 35 USC 103 rejection of claims 3-4 as unpatentable over Miyamoto in view of applicants' admission and JP 54-120646, as maintained in section 9 of the 02 December 2004 office action ("the last office action"), is withdrawn in view of applicants' amendment to claim 3 and their arguments on pages 6-9 of the 11 January 2005 response ("the last response").

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on 28 February 2002 was considered by the examiner in its entirety.

The Derwent citation on the 28 February 2002 IDS appears to summarize the same publication as the Chemical Abstract citation on the 14 January 2003 IDS. Both the citations have been considered.

Rejoinder of Non-elected Claims

6. Upon reconsideration and in light of applicants' request on page 9 of the last response, claims 7-18 have been rejoined in view of the allowance of claim 3.

Allowable Subject Matter

7. Claims 3-4 and 7-18 are allowed.

Claims 1-2 and 5-6 have been cancelled.

Reasons for Allowance

8. The following is an examiner's statement of reasons for allowance:

9. The sole base claim is claim 3, which can be summarized as follows:

Claim 3 covers a heat sealing film that comprises a biaxially oriented polyethylene terephthalate (PET) layer as the outermost layer, a polyethylene (PE) layer as the second layer, a polyolefin type resin (PO) layer as the third layer and a sealant layer as the fourth layer, with the PE between the PET layer and the PO layer, the PO layer between the PE layer and the sealant layer and with the first, second, third and fourth layers being different, wherein the sealant layer is made of a resin composition comprising from 50 to 100 wt% of components (i) to (iv):

(i) from 5 to 50 wt% of a block copolymer of from 50 to 95 wt% of a styrene-type hydrocarbon and from 5 to 50 wt% of a conjugated diene-type hydrocarbon,

(ii) from 5 to 50 wt% of an ethylene/ α -olefin random copolymer,

(iii) from 5 to 70 wt% of a block copolymer of from 10 to 50 wt% of a styrene-type hydrocarbon and from 50 to 90 wt% of a conjugated diene-type hydrocarbon, and

(iv) from 0 to 50 wt% of an impact-resistant polystyrene.

10. The prior art of record fails to teach or suggest films having all of the features of claim 3.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan-Rayford, at telephone number 571/272-1495. She can normally be reached Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498.

The fax number for patent application documents is 703/872-9306.

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Primary Examiner
Technology Center 1700

09926674(20050114)

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